

**Minutes of the Regular Meeting Of The
New Jersey Maritime Pilot and Docking Commission
April 21, 2015**

The regular meeting of the New Jersey Maritime Pilot and Docking Pilot Commission was held on Tuesday, April 21, 2015 at One Penn Plaza East, 9th Floor, Newark, NJ 07105.

Commissioner Stapleton called the meeting to order at 10:13 AM.

Open Public Meeting Statement

Pledge of Allegiance

Roll Call

Commissioner Timothy J. Dacey (present); Commissioner Brian McEwing (present); Commissioner Jacob Shisha (present); Commissioner Charles E. Stapleton (present); Commissioner Charles Wowkanech (absent).

Approval of the March 17, 2015 Meeting Minutes

A motion was made by Commissioner Dacey and seconded by Commissioner Shisha to approve the minutes of the March 17, 2015 meeting minutes. All voted in favor.

Resolution #15-13 to approve the April 2015 Treasurers Report

A motion was made by Commissioner Dacey and seconded by Commissioner McEwing to pass Resolution #15-13 to approve the April 2015 Treasurers Report. All voted in favor.

Executive Director Report

- A. Docking Pilot Apprentice Selection Committee - Five applications were received. The Committee will meet immediately following today's board meeting to review the applications and set up interview dates. Ms. Stuckey would like to have the interviews completed before the May 19, 2014 Board Meeting.

- B. Update on Meetings with Coast Guard - Ms. Stuckey met with the Coast Guard to discuss the Grey Shark. She expressed to them the Commission's concerns about the vessel continually having mechanical problems when it enters our ports. Commander Loebel has advised the head of Investigations Lt. Commander Donna Leoce to prepare a briefing on the vessel which is to include the number of times it experienced issues, the nature of the issues and the current status of the repairs. Although Ms. Stuckey was not allowed to attend the briefing, they will provide her with a copy upon its completion. She will circulate it once it is received.

Ms. Stuckey also spoke with the Coast Guard about the low sulphur fuel limits. Since the new limits have gone into effect on January 1, 2015, there has not been enough activity to make any determinations but they will continue to monitor the issue.

Lastly, she spoke about the issue of the Coast Guard continuing to provide the Commission with copies of class reports. The last request Ms. Stuckey made was treated as a FOIA request and she still has not gotten the information. Ms. Stuckey inquired as to whether the Commission could contact the surveyors directly to obtain copies of the report. All felt as if that would be a good solution and have promised to forward Ms. Stuckey the contact information, account numbers, etc. Although there may be a nominal fee for the reports, Ms. Stuckey is happy with this solution because it will ensure the Commission access to these types of reports even if there are any a personnel changes in the future.

Commissioner Stapleton asked if the surveyors will be told that they have to give Ms. Stuckey the information by the Coast Guard. Ms. Stuckey confirmed that they have been advised.

- C. Update on meeting with Maritime Association - Ms. Stuckey met with Executive Director Edward Kelly to discuss the issues of port preparedness, not only for our ports but for other ports. She received a lot of good information and is confident that with the dredging projects and the money that is being used to update the bridges, roadways, and terminals that not only will the port be ready but there will be a positive impact on the economy. Ms. Stuckey will continue to do her research.

D. Annual Report - Ms. Stuckey and Ms. Montilus are working on the annual report which is about 80% complete. The theme will be "Looking Ahead". Instead of focusing on key issues, it will highlight the improvements that are taking place in the port to prepare New Jersey for the larger Post-Panamax vessels. Ms. Stuckey has also included a segment where she asked each Association President to provide a small paragraph on what they are doing to prepare for the future. Ms. Stuckey hopes to have a draft ready for the Commission's review at the May 19th meeting. This year, She would like to include a headshot by each of the Commissioner's bios. Ms. Stuckey reminded those who have not done so to forward a copy of their bios to Ms. Montilus ASAP.

E. Revised Occurrence Report Form - Ms. Stuckey provided the Commissioners with the amended form which includes space for the pilots to input their 72 hour work/rest period. The updated form has been posted on the Commission's website and sent to all New Jersey State registered apprentices and licensed pilots.

F. Hudson River Update - Both transfer stations are currently open. Since the Commission's last meeting, there has not been any transport jobs that included New Jersey licensed pilots.

G. Marine Society Dinner - Ms. Stuckey attended the Marine Society's 245th Annual Dinner. The dinner honored RADM Thomas K. Shannon, Commander, Military Sealift Command. The dinner also gave scholarships to three students attending military academies. Ms. Stuckey had the pleasure of sitting with one of the recipients, Peter Mueller. He is a sophomore at SUNY Maritime and received a scholarship for having the best grades in navigation. The scholarship will pay for his summer session at SUNY. He was very interested in state pilotage and is looking forward to interning with the Sandy Hook Pilot Association during his junior year. Ms. Stuckey provided him with the contact information for Captain Richard Schoenlank.

Commissioner Shisha also attended the dinner as a representative of his law firm.

H. Water Siphon Update - The drilling of the new tunnel is complete and is 110 feet deep. 72 inches of water lines

have been placed in the tunnel. The old lines are scheduled to be removed late October/early November 2015.

- I. Ballest Water Regulation - There are currently a dozen different standards in the U.S. for the amount of foreign bodies in the water discharged from vessels. There is a proposal in the Senate to provide for the establishment of a nationally uniform and sound standards governing discharges incidental to the normal operation of a vessel. A copy of the bill was provided to the Commissioners. The bill should go to the Senate floor in spring and is expected to pass.
- J. Anchorage Update - There is currently not a lot of deep draft anchorage. The Army Corp is working on a proposal on how to utilize the current space. They are looking at surveys from the last three years. The limited space has to be carefully managed or else the larger vessels will have to be turned away.
- K. Coast Guard Auxiliary: The Coast Guard has launched a new program where 3,700 uniformed volunteers will provide support within the maritime community for everything except enforcement. They will serve as another set of eyes. Some of their duties will include: harbor patrols; ice patrols (take pictures from the air of daily ice status for the cutters); clear channel patrols; observe facilities, etc.
- L. Virtual Buoy Pilot Program - There is currently a trial in San Francisco to test the use of virtual buoys. If it is successful the Coast Guard will move forward with the virtual project. There will be a status report at a future Harbor Ops meeting. Ms. Stuckey will keep the Commission apprised.
- M. Post Sandy Report - During Hurricane Sandy, 89 stations were damaged which amounted to \$2,989 million dollars in damages. NOAA has received a federal grant to repair and replace these stations. Some of the sensors are being replaced with new technology. They are utilizing microwave sensors (same as the air gap technology). The new sensors are cheaper and easier to maintain.
- N. Report on Large Vessels - As reported in the past, the larger vessels have already begun to enter the port. The pilots met with NY Shipping Association to discuss this issue. Ms. Stuckey did not attend the meeting and asked

Captain Schoenlank and Captain Flannery to provide an update during their reports to the Commission.

- O. Maritime Association Shipping 101 Course -The course goes over the entire shipping process from start to finish. Ms. Stuckey initially registered Ms. Montilus to attend and then realized that it conflicted with today's meeting. Ms. Stuckey attended the course and believes it will be helpful to Ms. Montilus as she learns the industry. The course is offered quarterly. Ms. Stuckey plans to have Ms. Montilus attend the next one.
- P. Dredging Update - The dredging projects in the Newark Bay and Kill Van Kull are complete. The shoaling project in Port Jersey is expected to be completed in Early April. The dredging at New York Container Terminal is currently underway and expected to be completed in early 2016.
- Q. Waterfront Edge Design - The Metropolitan Waterfront Alliance gave a presentation on guidelines for proposed Waterfront Edge designs. Copies of the different scenarios were provided to the Commissioners. The Maritime Association has researched the project and is against the proposals. They believe the designs are very extensive and when researching the project no input was sought from the commercial industry. They essentially believe the projects are not necessary.
- R. Proposed Radar Product - NOAA gave a presentation on a high frequency radar that is supposed to compliment the information currently available on the PORTS system. The product which has been used in other ports is new to the NJ/NY Harbor. The frequency is supposed to increase spatial extent and also provide tidal and current predictions. They will install one gauge in the New York Harbor as a test and review the results at a future Harbor Ops meeting.
- S. Report on Pilot/Terminal Roundtable Meeting - Only two terminals showed up. In addition to representatives from Sandy Hook, Metro, and Harbor pilots representatives from MOTIVA and Phillips were present. The Coast Guard will issue a Marine Safety Information Bulletin on the terminals use of unsafe gangways. A draft will be circulated to the attendees. Once it is complete, Ms. Stuckey will draft a letter to send to the terminals with a copy of the advisory expressing the Commission's concerns over this issue. She will also copy the local police departments and fire

stations and point out the hazard it would present if they could not board a vessel in the case of an emergency. The next meeting will take place in November.

T. Sandy Hook Apprentice Training Report - A copy of the report was given to the Commissioners.

U. Future dates of interest - There is a Retirement Celebration for Commander James Gillette that will take place on May 1, 2015. He was instrumental in setting up the current information sharing relationship with the Coast Guard. Ms. Stuckey will attend his retirement party. She would also like to present him with a resolution on behalf of the Commission.

Janet Hellman will retire on May 8, 2015. Ms. Stuckey would like to invite her to the Commission's May meeting to recognize her for her many years of service to the pilot community.

Barbara Taylor is also retiring from the Board of Commissioners of Pilotage of the State of New York effective June 5, 2015. It is currently unknown who will be replacing either of their positions, but the Commission should expect to see some new faces.

On May 13, 2015 the International Maritime Hall of Fame Dinner will be held. Ms. Stuckey and Ms. Montilus will attend.

Ms. Stuckey will attend the Captain of the Port Change of Command ceremony that will take place on July 17, 2015.

Since the weather is beginning to warm up, Ms. Stuckey will work with Captain Schoenlank to put together a motor boat tour for the Commissioners to view the renovations currently underway at the Bayonne Bridge and the dredging projects.

Resolution #15-12 to approve the Intra-harbor Intermediate Rates

A motion was made by Commissioner Dacey and seconded by Commissioner Shisha to pass Resolution #15-12 to approve the Intra-harbor Intermediate Rates. All voted in favor.

Public Comment(s)

Comment from Captain Richard Schoenlank, President Sandy Hook Pilots Association:

The meeting with New York Shipping Association was good. They discussed the issue of the larger vessel entering the port and the issues connected with the transit such as: the water siphons, drafts at the berths, etc. . . Talks will continue as larger vessels continue to enter the port.

Captain Schoenlank serves as the co-chair of the MTS Recovery Unit Committee. There is a table-top exercise on July 17, 2015. They will simulate the reopening of the port.

Executive Director Stuckey asked if Captain Schoenlank can find out if she can attend as an observer. Captain Schoenlank agreed to let Ms. Stuckey know.

Captain Schoenlank stated his pleasure at the Commission's decision to honor Ms. Hellman. He advised that her replacement has already been hired. Ms. Stuckey advised Captain Schoenlank that she will bring Ms. Montilus to Staten Island to meet the new Administrator.

Commissioner Stapleton recommended that the new Administrator also be invited to the May Meeting.

Sandy Hook feels that it is time to replace the Pilot Boat New York. They are beginning to research different options and will keep the Commission posted.

Comment from Captain Robert Flannery, Jr., President Sandy Hook Pilots Association:

Metro Pilots held their Annual Reorganization meeting in April. Bob Flannery is still the President. Captain Timothy Nielsen and Jonathan Miller were voted to the Executive Committee.

Metro Pilots are also implementing a new Docking Pilot Apprentice program. All of the apprentices will report to Captain Douglas Mattson. He will monitor their progress and assist them through the process.

The American Harbor Docking Pilot Annual Meeting is on May 23 & 24, 2015, in Midtown, Manhattan at the Marriott Marquis. Admiral Fagan will serve as the keynote speaker. There will be 25 pilots from Maine to Florida attending. Captain Flannery will check to see if Ms. Stuckey can attend.

In regards to the virtual buoys pilot program, Captain Flannery believes it is foolish to put savings in front of safety.

Committee Report

A. Investigation Committee:

- I. **Wanderer** - March 18, 2014. Investigator Glenn Strathearn provided the commission with a summary of the incident and his report. He recommended that the Commission consider the repairs to be complete and find no fault on the part of Captain Ferrie, Captain Hansen and Apprentice Torres and the incident closed. A motion was made by Commissioner Dacey and seconded by Commissioner McEwing to accept the recommendations. All voted in favor.
- II. **CSAV Loncomilla** - May 16, 2014. This incident is still under investigation.
- III. **STI Beryl** - June 14, 2014. This incident is still under investigation.
- IV. **Hangin Newport** - October 4, 2014. This incident is still under investigation.
- V. **Maersk Chicago** - October 21, 2014. This incident is still under investigation.
- VI. **Hanjin Rio DeJanerio** - November 1, 2014. This incident is still under investigation.
- VII. **Rainbow Quest** - November 7, 2014. This incident is still under investigation.
- VIII. **Hyundai Glory** - December 5, 2014. This incident is still under investigation.

Announcement

The Commission's June Board Meeting is scheduled to begin at 11:00AM. This information has been posted on the Commission's website.

The July Board Meeting will take place at the Manhattan/Staten Ferry Terminal and begin at 11:00AM. Ms. Stuckey has asked Captain Flannery and Captain Schoenlank to be on hand to work with the Commissioners on the simulators.

Executive Session

WHEREAS, the Open Public Meetings Act provides that a public body such as The New Jersey Maritime Pilot and Docking Pilot Commission may meet in closed session to discuss legal and personnel matters, and

WHEREAS, the Commission desires to meet in closed session to discuss such matters.

NOW THEREFORE, be it resolved that the Commission shall at this time meet in closed session to discuss such matters the substance of the closed session would be disclosed publicly only if it would not warrant an invasion of privacy or constitute a breach of the attorney client privilege.

A motion was made by Commissioner Shisha and seconded by Commissioner Dacey that the Commission goes into Executive Session.

All voted in favor.

The Commission went into Executive Session at 10:53 AM.

Return to Public Session

A motion was made by Commissioner Dacey and seconded by Commissioner Shisha that the Commission return to Public Session.

All voted in favor.

The Commission returned to Public Session at 1:05 PM.

Break-In Trips: Captain Andrew McGovern

Captain McGovern has been mandated to complete 60 break-in trips, half to be done at night. After the trips are completed, the Commission will appoint an evaluation committee of five of his peers to evaluate him for a period of 30 days. At the end of that point, the committee will report their recommendations to Captain Schoenlank who will report to the Commission.

Opinion & Order in the Matter of Captain William Baeszler

A motion was made by Commissioner Shisha and seconded by Commissioner Dacey to approve the settlement agreement reached by Captain Baeszler and his Attorney. All voted in favor.

Adjournment

A motion was made by Commissioner Dacey and seconded by Commissioner Shisha that the meeting be adjourned. All voted in favor.

The meeting was adjourned at 12:25 PM.